



NEWPORT
TELEVISION

PRIVILEGED AND CONFIDENTIAL
ATTORNEY-CLIENT COMMUNICATION

December 21, 2009

By ECFS

Marlene H. Dortch, Esq.
Secretary
Federal Communications Commission
Washington, D.C. 20554

**Re: Comments -- NBP PUBLIC NOTICE #26
GN Docket Nos. 09-47, 09-51, and 09-137**

Dear Ms. Dortch:

On behalf of Newport Television LLC ("Newport"), I write in response to the Commission's NBP Public Notice #26 in order to urge the Commission to take into consideration the vital role of free, over-the-air, local broadcast television service as it considers the availability of spectrum for new commercial applications.

Headquartered in Kansas City, Missouri, Newport owns and operates broadcast television stations in 22 primarily mid-size and smaller markets across the country, including affiliates of the ABC, NBC, CBS, FOX, CW, MyNetwork and Telemundo networks. Our stations are an integral part of the fabric of the communities in which they operate, from Watertown, New York, to Fairbanks, Alaska. In addition to their schedule of popular network and syndicated programming, our stations provide "boots-on-the-ground" local news, weather and sports programming -- and, significantly, public safety information, including emergency alerts -- that is responsive to the needs, interests and concerns of their viewers. Moreover, especially but not only during election periods, our free, over-the-air television stations provide a vital means of communication between *all* residents of their communities -- not just paying MVPD subscribers -- and their elected officials and candidates. Cable and satellite systems simply do not offer comparable services, and can not offer the sort of universal "connectivity" that our stations provide and that is essential to the democratic process in their communities.

Newport agrees with previous filings by our industry's representatives -- the National Association of Broadcasters and the Association for Maximum Service Televisions -- urging that the needs and preferences of consumers be taken into account in managing the spectrum resource. Specifically, Newport believes that in order to evaluate the "highest and best use" of spectrum allotments the Commission must look beyond purely economic factors and consider the underlying public interest value of existing spectrum uses -- that is, to consider the value of the broadcast service to the viewers we are dedicated to serve. It seems fundamental to us that the very real civic, social, and cultural significance of our local, over-the-air service must

be considered alongside any abstract financial modeling. This approach is consistent with, and supported by, the bedrock communications policy goal of ubiquitous, free broadcast service in the public interest.

Newport has devoted substantial financial and human resources to the digital transition; indeed, the capital expense associated with converting the Newport stations to digital operations exceeded \$23 million. Meanwhile, since the transition was completed on June 12, Newport has been evaluating and taking steps to implement new and advanced applications on its digital spectrum. For example,

- Newport is broadcasting certain network sports and entertainment programming and locally-produced news programming in High Definition format in many of its markets.
- Newport is using its digital multicast capacity to provide program streams that address the highly varied needs, interests and concerns of residents in the communities it serves. For example, in markets with substantial Hispanic communities, Newport is multicasting Spanish-language programming; in other markets, Newport is providing 24/7 local news and weather programming; in still others, its stations are offering coverage of local high school sports and other events.
- Newport is collaborating with Sezmi Corp. in select markets to test Sezmi's personalized digital television service, which integrates over-the-top television, streaming video and on-demand content without a wired broadband connection.
- Newport is evaluating Mobile DTV as it rolls out across the country, which we believe represents a potentially game-changing technology that will enable our stations to deliver programming, services and products to their communities through a variety of mobile and portable devices.

The DTV transition took more than a decade to complete and necessitated the construction of a new national broadcast television infrastructure. Even now, six months after the transition was formally completed, some stations are still working to complete their maximization proposals and, significantly, to resolve ongoing DTV reception problems in the VHF band.

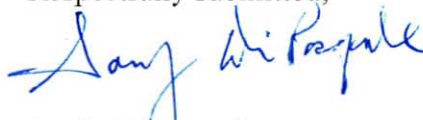
The advanced technologies and business opportunities that Newport and other broadcasters are evaluating likewise are new and evolving. Still others undoubtedly will be conceived, and their commercial viability tested, in the future. Over the months and years ahead Newport will continue to work to identify and deploy applications for its digital spectrum that

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best meet the unique needs of residents of each of the local communities we serve. Newport believes it is only reasonable and appropriate to view this "second DTV transition" as a work in progress -- a necessary next step in ensuring that the Congressional mandate and policy objectives of the digital transition are satisfied, and that viewers of free, over-the-air television are able to enjoy the robust digital experience to which they are entitled.

We appreciate the opportunity to share these views and would welcome any questions you may have.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Sandy DiPasquale", is written over the typed name.

Sandy DiPasquale
President and Chief Executive Officer